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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): P. Bonutti

Confirmation No. 6711

Application No.: 10/078,030

Attorney Docket No: 782-A02-012-3

Filed: February 19, 2002

Group Art Unit: 3731

For: METHOD AND APPARATUS FOR
POSITIONING AN ANCHOR MEMBER
(as amended)

Examiner: G. Jackson

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, Paul D. Bianco, represents that he is one of the attorneys of record for Bonutti Research, Inc. the assignee of the entire right, title and interest in and to the above-identified application by virtue of an assignment that was recorded on June 25, 2003 at Reel 14201, Frame 0979.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of U.S. Patent No. 6,364,897, issued on April 2, 2002, from application no. 09/533,076, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,364,897.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to:

Group Art Unit 3731, at Fax # (703)872-9306.

COMMISSIONER FOR PATENTS, Alexandria, VA 22313-1450

ATTENTION: Patent Examiner Gary Jackson

On August 4, 2004

Dinah Fuentes

Name of Person Transmitting Facsimile

Signature of Person Transmitting Facsimile

Applicant: P. Bonutti
Application No.: 10/078,0303
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Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,364,897, as presently shortened by any terminal disclaimer, in the event that any such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title and stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of Bonutti Research, Inc..

A fee of \$55.00 (Small Entity) is believed to be due with this Terminal Disclaimer and a Fee Submission sheet including this fee is submitted concurrently herewith. However, please charge the required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 782-A02-012-3).

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Aug. 4, 2004

By: 
Paul D. Bianco, Reg. # 43,500

CUSTOMER NUMBER: 33771

Paul D. Bianco

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